

REMARKS

This responds to the Office Action dated January 24, 2006.

Claims 1, 6 and 7 are amended. Claim 1 is amended solely for the sake of grammatical consistency and clarity, and not in order to overcome a rejection. Claims 1-26 are pending in this application.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement and a 1449 Form on December 13, 2004 and a Supplemental Information Disclosure Statement and a 1449 Form on June 3, 2005. Applicant respectfully requests that initialed copies of the 1449 Forms be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

Objection to the Drawings

1. The drawings were objected to because Figures 5A-5C were too dark. Applicant has amended the figures to overcome this objection.
2. The drawings were objected to under 37 C.F.R. § 1.83(a) for not showing every feature of the invention specified in the claims. Claim 6 was amended and presently recites "wherein the printed circuit interconnect substrate includes flexible circuit tape." A printed circuit substrate is included in various embodiments throughout figures and the specification of the patent application. For example, one embodiment of a printed circuit substrate 300 is shown in FIG. 3. The patent specification states that "substrate 300 is flexible circuit tape."¹ Claim 7 was also amended. Support for the amendment is found on page 5 lines 22-24 of the specification. No new matter was entered.

Reservation of the Right to Swear Behind References

Applicant retains the right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

¹ Patent Application, page 5 lines 22-24.

§102 Rejection of the Claims

3. Claims 1-6, 8-12, 15-18 and 23-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kim (U.S. Patent No. 6,778,040). Applicant respectfully traverses the rejection. To anticipate a claim, the reference must teach every element of the claim.² The identical invention must be shown in as complete detail as is contained in the claim.³ The elements must be arranged as required by the claim, but this is not an *ipsissimis* test, i.e. identity of terminology is not required.⁴ Additionally, a claim in dependent form shall be construed to incorporate by reference all of the limitations of the claim to which it refers.⁵

Applicant cannot find in Kim any disclosure of, among other things, a printed circuit interconnect substrate residing on the hermetic side of the hermetic seal, as recited in claim 1 and incorporated into claims 2-6, 8-12, 15-18 and 23-26. Applicant is unable to find in Kim an arrangement of a printed circuit interconnect substrate and a hermetic seal as is recited in claim 1. Thus, Kim does not show the identical invention in as complete detail, nor are the elements arranged as required by claim 1. Applicant respectfully requests reconsideration and allowance of claims 1-6, 8-12, 15-18 and 23-26.

§103 Rejection of the Claims

4. Claims 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim (U.S. Patent No. 6,778,040) in view of Brendel et al. (U.S. Patent No. 6,529,103, "Brendel").

Applicant respectfully traverses the rejection. One criterion to establish a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations.⁶ Claims 19-22 ultimately depend on base claim 1. As discussed above, Applicant believes claim 1 to be allowable at least for the reason that Kim does

² M.P.E.P. § 2131.

³ M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1990)

⁴ M.P.E.P. § 2131 citing *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

⁵ 35 U.S.C. § 112 ¶4.

⁶ M.P.E.P. § 2143.

not teach or suggest all of the elements recited in the claim. The addition of Brendel fails to disclose the missing elements. For example, Applicant cannot find in the proposed combination of Kim and Brendel any disclosure of a printed circuit interconnect substrate residing on the hermetic side of the hermetic seal, as recited in claim 1 and incorporated into claims 19-22.

A second criterion required to establish *prima facie* obviousness, is that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.⁷ The teaching or suggestion to make the claimed invention and the reasonable expectation of success must be found in the prior art, and not in applicant's disclosure.⁸ Kim refers to using chip capacitors having electrodes on one end and the other end.⁹ Brendel refers to a coaxial ceramic feedthrough filter capacitor and a discoidal capacitor,¹⁰ and that the electrode patterns of both the first and second sets of electrode plates do not extend to the outer diameter of the feedthrough capacitor.¹¹ Applicant submits that proper motivation is lacking to combine the chip capacitors of Kim with the Brendel device which already has coaxial feedthrough capacitors. Applicant respectfully requests reconsideration and allowance of claims 19-22.

5. Claims 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim (U.S. Patent No. 6,778,040) in view of Andresakis et al. (U.S. Patent No. 6,657,849, "Andresakis").

Applicant respectfully traverses the rejection. Claims 13-14 depend on base claim 1. As discussed above, Applicant believes claim 1 to be allowable at least for the reason that Kim does not teach or suggest all of the elements recited in the claim. The addition of Andresakis fails to disclose the missing elements. For example, Applicant cannot find in the proposed combination of Kim and Andresakis any disclosure of a printed circuit interconnect substrate residing on the hermetic side of the hermetic seal, as recited in claim 1 and incorporated into claims 13-14. Applicant respectfully requests reconsideration and allowance of claims 13-14.

6. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim (U.S. Patent No. 6,778,040) in view of Chee (U.S. Patent No. 6,657,133).

⁷ M.P.E.P. § 2143.

⁸ M.P.E.P. § 2143, citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

⁹ Kim, col. 2 lines 48-53 and lines 64-67.

¹⁰ Brendel, col. 1 line 66-67 and col. 2 lines 16-17.

¹¹ Brendel, col. 11 lines 33-38.

Applicant respectfully traverses the rejection. Claim 7 depends on base claim 1. As discussed above, Applicant believes claim 1 to be allowable at least for the reason that Kim does not teach or suggest all of the elements recited in the claim. The addition of Chee fails to disclose the missing elements. For example, Applicant cannot find in the proposed combination of Kim and Chee any disclosure of a printed circuit interconnect substrate residing on the hermetic side of the hermetic seal, as recited in claim 1 and incorporated into claim 7. Applicant respectfully requests reconsideration and allowance of claim 7.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6965 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

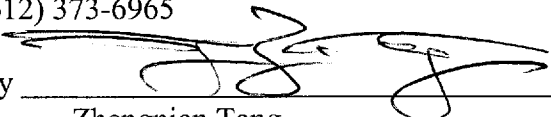
Respectfully submitted,

NICK A. YOUKER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6965

Date 4-21-2006

By 
Zhengnian Tang
Reg. No. 55,666

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21 day of April, 2006.

John N. Gustaf-Wrathall

Name


Signature